

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JEREMY MITCHELL,

Plaintiff,

v.

MARIE ZAIZ, DANNY ALLEN, and ST. CLAIR
COUNTY JAILERS,

Defendant.

Case No. 22-cv-2318-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on its March 11, 2024, order (Doc. 34) for plaintiff Jeremy Mitchell to show cause by March 29, 2024, why the Court should not dismiss this case based on his failure to comply with the Court's October 4, 2023, Order (Doc. 19) and SDIL-LR 3.1(b)(2) to update his address and/or for failure to prosecute his claims. Fed. R. Civ. P. 41(b). The Court warned that failure to respond to the order to show cause would result in dismissal of the action without prejudice. Mitchell did not respond to the Court's order.

Dismissal is particularly appropriate in this case because Mitchell has elsewhere displayed a clear disinterest in litigating this case. He failed to make the required initial disclosures, prompting the Court to issue an order to compel discovery compliance. He also failed to return the Notice and Consent to Proceed Before a Magistrate Judge, which Administrative Order 257 required him to do. When the Court extended the deadline for compliance with these obligations to March 7, 2024, it warned Mitchell that failure to comply could result in dismissal of this case pursuant to Federal Rule of Civil Procedure 37(b)(2) or 41(b). Mitchell did not make initial disclosures or return the Notice and Consent to Proceed Before a Magistrate Judge by the extended deadline.

More recently, Zaiz has filed a motion for dismissal with prejudice as a sanctions under Rules 37(b)(2) and 41(b) for the foregoing discovery deficiencies (Doc. 35).

Mitchell has demonstrated numerous times that he no longer wishes to prosecute this case. The Court therefore **DISMISSES** this case **without prejudice** for failure to prosecute pursuant to Rule 41(b) and **DIRECTS** the Clerk of Court to enter judgment accordingly. The Court **DENIES** Zaiz's motion for sanctions **as moot** in light of this order (Doc. 35).

IT IS SO ORDERED.

DATED: April 4, 2024

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE